



General Assembly

Substitute Bill No. 980

January Session, 2017



AN ACT CONCERNING TAMPERING WITH A WITNESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-151 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) A person is guilty of tampering with a witness in the second
4 degree if, believing that an official proceeding is pending or about to
5 be instituted, [he] such person induces or attempts to induce a witness
6 to testify falsely, withhold testimony, elude legal process summoning
7 [him] the witness to testify or absent himself or herself from any
8 official proceeding.

9 (b) Tampering with a witness in the second degree is a class C
10 felony.

11 Sec. 2. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of
12 tampering with a witness in the first degree if such person commits
13 tampering with a witness in the second degree as provided in section
14 53a-151 of the general statutes, as amended by this act, and in the
15 commission of such offense, such person physically harms or threatens
16 to physically harm the witness or a third person.

17 (b) Tampering with a witness in the first degree is a class B felony.

18 Sec. 3. Subsection (a) of section 54-82q of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective*
20 *October 1, 2017*):

21 (a) Upon application of a prosecutorial official, a court may issue a
22 temporary restraining order prohibiting the harassment of a witness in
23 a criminal case if the court finds, from specific facts shown by affidavit
24 or verified complaint, that there are reasonable grounds to believe that
25 harassment of an identified witness in a criminal case exists or that
26 such order is necessary to prevent and restrain the commission of an
27 offense under section 53a-151, [or] as amended by this act, 53a-151a or
28 section 2 of this act.

29 Sec. 4. Subsection (a) of section 54-82r of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2017*):

32 (a) Upon application of a prosecutorial official, a court may issue a
33 protective order prohibiting the harassment of a witness in a criminal
34 case if the court, after a hearing at which hearsay evidence shall be
35 admissible, finds by a preponderance of the evidence that harassment
36 of an identified witness in a criminal case exists or that such order is
37 necessary to prevent and restrain the commission of a violation of
38 section 53a-151, [or] as amended by this act, 53a-151a or section 2 of
39 this act. Any adverse party named in the complaint has the right to
40 present evidence and cross-examine witnesses at such hearing. Such
41 order shall be an order of the court, and the clerk of the court shall
42 cause a certified copy of such order to be sent to the witness, and a
43 copy of such order, or the information contained in such order, to be
44 sent by facsimile or other means within forty-eight hours of its
45 issuance to the appropriate law enforcement agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	53a-151

Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017</i>	54-82q(a)
Sec. 4	<i>October 1, 2017</i>	54-82r(a)

Statement of Legislative Commissioners:

Sections 3 and 4 were added in order to make conforming section citations.

JUD *Joint Favorable Subst.*